REMARKS

Claims 1, 3 - 6, and 8 - 20 are pending in this case. Claims 1, 2, 5-7 and 10 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,625,156 to Shaio et al. Claims 3, 4, 8, 9 and 11-20 have been rejected under 35 U.S.C. §103(a) over Shalo et al. in view of U.S. Patent No. 6,785,237 to Sufleta et al. By this Amendment, applicant has amended claims 1 - 11 and 14 - 19 to clarify the claimed invention and to correct certain typographic errors. Applicant respectfully traverses the above rejections and requests reconsideration of the subject application in view of the above claim amendments and the following remarks.

In paragraphs 3 to 6 of the Office Action, claims 1, 2, 5-7 and 10 have been rejected under § 102 over Shaio. This rejection is respectfully traversed.

The present invention as required in original independent claims 1 and 6 are directed to a method of or system for measuring quality of service (QoS) provided by a network, respectively. Original claims 1 and 6 each require at least:

> (i) extracting feature information from the block of data at the ingress and the egress, wherein the feature information identifies the block of data;
>
> (ii) determining whether first feature information extracted at the ingress matches second feature information extracted at the egress; and
>
> (iii) when the first feature information matches the second feature information, measuring QoS based on a matching pair of the first feature information and the second feature information.

Applicant respectfully disagrees with the Office Action that Shaio discloses a method of or system for measuring quality of service (QoS) provided by a network as required by independent claim 1 or 6. Shaio, in fact, is directed to a method of implementing quality of service data communications over a short-cut path through a routed network.

More specifically, Shaio does not disclose the above features required by independent claims 1 and 6. For example, Shaio does not disclose extracting feature information from the block of data at the ingress and the egress. Shaio discloses

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extracting control messages from the encapsulation (e.g., the UDP packet) by an egress (see, column 9, lines 51 to 53). Such control messages are not the "feature information identif[ying] the block of data" as required by the claimed invention. Rather, the "control messages" are the data being transferred. Additionally, no extraction is carried out at the ingress as required in the claimed invention.

Moreover, Shaio does not disclose determining whether the feature information extracted from the ingress and the egress matches with each other. The Shaio sections cited by the Office Action disclose directing a data flow over an established short-cut path and a control flow over a routed path (see, column 11, line 15 to column 12, line 9) and setting up a MPOA short-cut path between ingress MPC 152 and egress MPC 154 (see, column 12, lines 49-60). Furthermore, Shaio does not disclose measuring QoS based on a matching pair of the first and second feature information once there is a match. In contrast, Shaio discloses comparing destination IP address of the data packet to IP addresses associated with extant short-cut paths (see, column 12, lines 50-52). Therefore, Shaio does not discloses the claimed invention.

In view of the above, the subject rejection of claims 1, 2, 5-7 and 10 is thus believed to be overcome.

To advance the allowance of the subject application, applicant amended independent claims 1 and 6 to recite sending the first feature information to the egress. Because Shaio does not disclose extracting first feature information from the ingress, Shaio is silent about sending such a first feature information to the egress. Accordingly, the claimed invention patentably distinguishes over Shaio for the above additional reason.

In paragraphs 8 to 20 of the Office Action, claims 3, 4, 8, 9 and 11-20 have been rejected under § 103 over Shaio and Sufleta. This rejection is respectfully traversed.

Claims 3, 4, 8, and 9, depending from independent claim 1 or 6, each require sending the first feature information to the egress. Sufleta does not disclose such a feature. In Sufleta, a QoS signature is transferred from a probe to a central correlation

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device. Accordingly, even if Shaio and Sufleta are combined as suggested in the Office Action, the combination still does not disclose claim 3, 4, 8, or 9.

Similarly, each of independent claims 11 and 17 - 19 patentably distinguishes over Shaio and Sufleta. Independent claim 11 requires at least "sending the first feature data to the egress." Independent claim 17 requires at least "sending the first feature data to the exit measuring probe." Independent claims 18 and 19 each require at least "sending the first feature data to the egress measuring probe." Neither Shaio nor Sufleta discloses the above features as remarked above. Accordingly, even if Shaio and Sufleta are combined as suggested in the Office Action, such combination does not disclose the claimed invention.

In view of the above, the subject rejection of claims 3, 4, 8, 9 and 11-20 is believed to be overcome.

Applicant has shown that all pending claims are patentable over the cited art and hereby respectfully requests that the rejections of the pending claims be withdrawn. Each of the claims 1, 3-6, and 8 - 20 in this application is believed to be in immediate condition for allowance and such action is earnestly solicited.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

Respectfully submitted,

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